

(SPVC), citing Fig. 1 and col. 3, lines 5-18. However, Applicant submits that SVCs and PVCs are merely mentioned in the cited portion of Tooker et al., but do not appear in any context that would suggest modification of Bertin et al. in an attempt to yield the claimed invention as set forth in claims 1, 12, and 23. Likewise, Bertin et al. does not provide any suggestion to modify its teachings in an attempt to yield the claimed invention as set forth in claims 1, 12, and 23. Even, col. 13, lines 4-9, as cited by the Examiner, fails to disclose connection type characteristics comprising partitioning of available bandwidth of the link between different types of connections. Thus, there is no suggestion in the prior art to combine or modify the cited references in an attempt to yield the claimed invention as set forth in claims 1, 12, and 23. Therefore, Applicant submits that claims 1, 12, and 23 are in condition for allowance.

Regarding claim 2, Applicant respectfully disagrees. As noted above, Bertin et al. fail to disclose connection type characteristics. Thus, Bertin et al. fail to disclose a routing path within the network for a connection based on the connection type characteristics. Therefore, Applicant submits that claim 2 is in condition for allowance.

Regarding claims 3 and 24, Applicant respectfully disagrees. As noted above, Bertin et al. fail to disclose connection type characteristics. Thus, Bertin et al. fail to disclose either detecting a change in the link, where the change produces altered connection type characteristics, or advertising the altered connection type characteristics. Therefore, Applicant submits that claims 3 and 24 are in condition for allowance.

Regarding claims 4 and 25, Applicant respectfully disagrees. As noted above, Bertin et al. fail to disclose connection type characteristics. Thus, Bertin et al. fail to disclose "wherein the step of determining the connection type characteristics is performed by a localized node coupled to the link" or "wherein the processing module is included in a localized node coupled to the link." Therefore, Applicant submits that claims 4 and 25 are in condition for allowance.

Regarding claims 5, 6, 26, and 27, Applicant respectfully disagrees. As noted above, Bertin et al. fail to disclose connection type characteristics. Thus, Bertin et al. fail to disclose "broadcasting the connection type characteristics to neighboring nodes in the network," "to each node in the network," or "to all nodes in the network." Therefore, Applicant submits that claims 5, 6, 26, and 27 are in condition for allowance.

Regarding claim 7, Applicant respectfully disagrees. As noted above, Bertin et al. fail to disclose connection type characteristics. Thus, Bertin et al. fail to disclose “compiling connection type characteristics for a plurality of links within the network to produce a characteristic data set, wherein selecting the routing path further comprises selecting the routing path using the characteristic data set.” Therefore, Applicant submits that claim 7 is in condition for allowance.

Regarding claim 8, Applicant respectfully disagrees. As noted above, Bertin et al. fail to disclose connection type characteristics. Thus, Bertin et al. fail to disclose “comparing characteristics of a connection request with the characteristic data set, wherein the routing path is provided in response to the connection request.” Therefore, Applicant submits that claim 8 is in condition for allowance.

Regarding claim 9, Applicant respectfully disagrees. As noted above, Bertin et al. fail to disclose connection type characteristics. Thus, Bertin et al. fail to disclose “compiling the connection type characteristics for the plurality of links with additional network characteristics to produce the characteristic data set.” Therefore, Applicant submits that claim 9 is in condition for allowance.

Regarding claim 10, Applicant respectfully disagrees. As noted above, Bertin et al. fail to disclose connection type characteristics. Thus, Bertin et al. fail to disclose “wherein the connection type characteristics include information indicating likelihood of establishing the connection using the link, wherein the connection has a connection type.” Therefore, Applicant submits that claim 10 is in condition for allowance.

Regarding claims 11, 20, and 21, Applicant respectfully disagrees. As noted above, Bertin et al. fail to disclose connection type characteristics. Thus, Bertin et al. fail to disclose “wherein the connection type of the connection is one of a plurality of connection types, wherein the plurality of connection types includes a plurality of priority levels that determine prioritization of connections,” “wherein the different connection types to which bandwidth across the link is partitioned include a plurality of priority level connection types,” or “wherein the different connection types to which bandwidth across the link is partitioned include a plurality of user connection types.” Therefore, Applicant submits that claims 11, 20, and 21 are in condition for allowance.

Regarding claims 13 and 19, Applicant respectfully disagrees. As noted above, Bertin et al. fail to disclose connection type characteristics. Thus, Bertin et al. fail to disclose “wherein the connection type of the connection is one of a plurality of connection types, wherein the plurality of connection

types includes a plurality of user connection types, wherein the bandwidth on the link is partitioned between different user connection types” or “wherein the connection type characteristics describe partitioning across the link between different connection types.” Therefore, Applicant submits that claims 13 and 19 are in condition for allowance.

Regarding claim 14, Applicant respectfully disagrees. Applicant notes that Applicant has provided arguments for the allowability of claims 1-3, from which claim 14 depends. Thus, Applicant submits that claim 14 is also in condition for allowance.

Regarding claims 15, 28, and 29, Applicant respectfully disagrees. As noted above, Bertin et al. fail to disclose connection type characteristics. Even, col. 13, lines 4-9, as cited by the Examiner, fails to disclose connection type characteristics comprising partitioning of available bandwidth of the link between different types of connections. Thus, there is no suggestion in the prior art to combine or modify the cited references in an attempt to yield the claimed invention as set forth in claims 15, 28, and 29. Therefore, Applicant submits that claims 15, 28, and 29 are in condition for allowance.

Regarding claims 16, 17, 30 and 31, Applicant respectfully disagrees. Applicant notes that the cited portion of Bertin et al. mentions only seeing if a new connection “has enough priority to preempt some already existing connection on the given link(s).” However, it does not disclose producing “a second routing path to the receiving party.” Thus, Applicant submits that claims 16, 17, 30, and 31 are in condition for allowance.

Regarding claims 22 and 33, Applicant respectfully disagrees. Applicant has presented reasons for allowability of claim 15, from which claim 22 depends, and claim 29, from which claim 33 depends. Thus, Applicant submits that claims 22 and 33 are also in condition for allowance.

Regarding claim 34, Applicant respectfully disagrees. Applicant notes that claim 34 includes the limitations of originally-filed claim 9, which was objected to by the Examiner in the first Office action. As claim 34 does not include limitations reciting “switched virtual connections and soft permanent virtual connections,” for which the Examiner mentions the Tooker et al. reference, thereby rendering Tooker et al. inapplicable as prior art, and since the Examiner does not cite any additional prior art besides that over which claim 9 was found to be allowable if rewritten, Applicant submits that claim 34 is in condition for allowance.

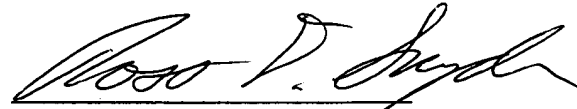
The Examiner has objected to claims 18 and 32 as being dependent upon a rejected base claim, but states that they would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Applicant has already provided reasons for the allowability of claim 15, from which claim 18 depends, and claim 29, from which claim 32 depends, Applicant submits that claims 18 and 32 are also in condition for allowance.

In conclusion, Applicant has overcome all of the Office's rejections, and early notice of allowance to this effect is earnestly solicited. If, for any reason, the Office is unable to allow the Application on the next Office Action, and believes a telephone interview would be helpful, the Examiner is respectfully requested to contact the undersigned attorney.

Respectfully submitted,

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